

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE SUBMITTING TO THE QUALIFIED
VOTERS OF THE CITY OF SAN DIEGO AT THE MUNICIPAL
ELECTION CONSOLIDATED WITH THE STATEWIDE
PRIMARY ELECTION TO BE HELD ON JUNE 3, 2008, ONE
PROPOSITION AMENDING THE CITY CHARTER BY
AMENDING ARTICLE VII, BY ADDING SECTION 115,
REGARDING MANDATORY RECYCLING OF SOLID
WASTE GENERATED WITHIN THE CITY.

WHEREAS, pursuant to San Diego City Charter section 223, article XI, section 3(b), of the California Constitution, and California Elections Code section 9255(a)(2), the City Council has authority to place Charter amendments on the ballot to be considered at a Municipal Election; and

WHEREAS, by Ordinance No. O-_____, adopted on _____, 2008, the Council of the City of San Diego is calling a Municipal Election to be consolidated with the Statewide Primary Election on June 3, 2008, for the purpose of submitting to the qualified voters of the City one or more ballot propositions; and

WHEREAS, the City Council desires to submit to the voters at the Municipal Election one proposition amending the Charter of the City of San Diego by amending article VII, to add section 115; and

WHEREAS, the City Council's proposal, on its own motion, of a charter amendment is governed by article XI, section 3(b) of the California Constitution, California Elections Code section 9255(a)(2), and California Government Code section 34458, and is not subject to veto by the Mayor; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That one proposition amending the City Charter by amending article VII, to add section 115, is hereby submitted to the qualified voters at the Municipal Election to be held on June 3, 2008, with the proposition to read as follows:

PROPOSITION

Section 115: Mandatory Recycling of Solid Waste

In order to comply with state mandates to divert solid waste from landfill disposal through source reduction, recycling, and composting, as well as to preserve landfill capacity, conserve natural resources, and protect the environment, the Council shall adopt a mandatory recycling ordinance. The mandatory recycling ordinance shall require residents and businesses, which generate solid waste within the City, to recycle to the fullest extent practical and feasible. In order to fund recycling services, the Council shall impose a fee, in the manner allowed by law, notwithstanding any contrary provision in the People's Ordinance codified at San Diego Municipal Code section 66.0127 regarding providing residential and small business refuse collection, transportation, and disposal services at no charge.

END OF PROPOSITION

Section 2. The proposition shall be presented and printed upon the ballot and submitted to the voters in the manner and form set out in Section 3 of this ordinance.

Section 3. On the ballot to be used at this Municipal Election, in addition to any other matters required by law, there shall be printed substantially the following:

PROPOSITION ____ . AMENDS THE CITY CHARTER TO REQUIRE THE COUNCIL TO ADOPT A MANDATORY RECYCLING ORDINANCE AND TO IMPOSE A FEE, AS ALLOWED BY LAW, TO FUND RECYCLING SERVICES Shall the Charter be amended to require the Council to adopt a mandatory recycling ordinance and to impose a fee, as allowed by law, to fund recycling services?	YES	
	NO	

Section 4. An appropriate mark placed in the voting square after the word “Yes” shall be counted in favor of the adoption of this proposition. An appropriate mark placed in the voting square after the word “No” shall be counted against the adoption of the proposition.

Section 5. Passage of this proposition requires the affirmative vote of a majority of those qualified electors voting on the matter at the Municipal Election.

Section 6. The City Clerk shall cause this ordinance or a digest of this ordinance to be published once in the official newspaper following this ordinance’s adoption by the City Council.

Section 7. Pursuant to San Diego Municipal Code section 27.0402, this measure will be available for public examination for no fewer than ten calendar days prior to being submitted for printing in the sample ballot. During the examination period, any voter registered in the City may seek a writ of mandate or an injunction requiring any or all of the measure to be amended or deleted. The examination period will end on the day that is 75 days prior to the date set for the election. The Clerk shall post notice of the specific dates that the examination period will run.

Section 8. Pursuant to Sections 295(b) and 295(d) of the Charter of the City of San Diego, this ordinance shall take effect on the date of passage by the City Council, which is deemed the date of its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By _____

Deputy City Attorney

GCL:gcl

6/22/07

Or.Dept:CityAtty

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